

Applicants: GLUKHOVSKY, Arkady et al.  
Serial Number: 10/705,982  
Attorney Docket: P-2648-US1

### **REMARKS**

Applicants have carefully studied the Office Action. This paper is intended to be fully responsive to all points of rejection and objection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

### **Status of the Claims**

Claims 8-11 and 24-27 are pending in this Application. Claims 1-7, 12-23 and 28 have previously been withdrawn from consideration, without prejudice or disclaimer. Claims 8, 11 and 23 have been amended.

### **Amendments to the Specification**

In accordance with the Examiner's request in section 6 of the Office Action, Applicants have amended the first paragraph of the specification by updating the continuation data. No new matter has been added by this amendment.

### **Voluntary Amendment of Claims**

Applicants have amended claims 8, 11 and 23 to clarify what the Applicants regard as the invention. No new matter has been added by this amendment.

### **Election / Restrictions**

In accordance with the Examiner's request in section 4 of the Office Action, Applicants hereby affirm that claims 1-7, 12-22 and 28 have previously been withdrawn from consideration, without prejudice or disclaimer, and that Applicants have previously elected to prosecute claims 8-11 and 23-27 in this Application.

### **Claim Objections**

The Examiner objected to claim 11 which, inadvertently, recited "storage" instead of "storage unit". Applicants have amended claim 11 which now recites "storage unit".

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In view of the above, Applicants respectfully request that the objection to claim 11 be withdrawn.

**Claim Rejections under 35 USC §112, Second Paragraph**

The Examiner rejected claim 23 under 35 USC §112, Second Paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention.

Specifically, the Examiner contended that claim 23 appears to be setting forth a method for varying a frame display rate, but fails to recite any steps that result in the intended method being performed.

Without conceding the appropriateness of the examiner's contention, Applicants have amended claim 23 to explicitly recite the step of varying the frame display rate based on the correlation. Applicants respectfully submit that amended claim 23 meets the requirements of 35 USC §112, Second Paragraph, and request that the rejection under this section be withdrawn.

**Claim Rejections Under 35 USC §102**

The Examiner rejected claims 8-11 and 23-25 under 35 USC §102(e) as being anticipated by United States Patent Number 6,228,030 to Urbano et al. ("Urbano").

As is well established, in order for a claim to be anticipated by the prior art, each and every element and feature of the claim must be included in a single prior art document.

Urbano describes a method of using ultrasound energy to locate the occurrence of predetermined event in the heart cycle or other physiologic cycle of the body.

Amended independent claim 8 recites, *inter alia*, "a receiver to receive data of frames of output of an autonomous in vivo imaging device". Urbano does not disclose, teach or suggest at least this feature of independent claim 8, as amended.

Amended independent claim 23 recites, *inter alia*, "receiving data of the frames from an autonomous in vivo imaging device". Urbano does not disclose, teach or suggest at least this feature of independent claim 23, as amended.

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Applicants would like to point out that although Urbano mentions ultrasound imaging, Urbano does not disclose an autonomous in-vivo imaging device and/or receiving frames data of output of an autonomous in-vivo imaging device, as recited, in paraphrase, in each of independent claims 8 and 23.

In view of the above, Applicants respectfully submit that each of amended independent claims 8 and 23 meets the novelty requirements of 35 USC §102(e) and request that the rejection under this section based on Urbano be withdrawn.

Applicants respectfully submit that the above-mentioned distinctions of amended independent claims 8 and 23 are significant and would not have been obvious at the time the invention was made to a person having ordinary skill in the art, in view of any of the references on record or any combination thereof. Therefore, while the Examiner has not made such a rejection, Applicants respectfully submit that each of amended independent claims 8 and 23 meets the patentability requirements of 35 USC §103.

Claims 9-11 are dependent from amended independent claim 8, and include all the features of amended independent claim 8 as well as additional distinguishing features. Therefore, it is respectfully submitted that the novelty and patentability of claims 9-11 follow directly from the novelty and patentability of amended independent claim 8.

Claims 24-25 are dependent from amended independent claim 23, and include all the features of amended independent claim 23 as well as additional distinguishing features. Therefore, it is respectfully submitted that the novelty and patentability of claims 24-25 follow directly from the novelty and patentability of amended independent claim 23.

In view of the above, Applicants respectfully request that the rejection of claims 8-11 and 23-25 under 35 USC §102(e) based on Urbano be withdrawn.

The Examiner rejected claims 8-10 and 23-27 under 35 USC §102(b) as being anticipated by United States Patent Number 3,723,644 to Haskell et al. ("Haskell").

Amended independent claim 8 recites, *inter alia*, "a receiver to receive data of frames of output of an autonomous in vivo imaging device". Haskell does not disclose, teach or suggest at least this feature of independent claim 8, as amended.

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Amended independent claim 23 recites, *inter alia*, "receiving data of the frames from an autonomous in vivo imaging device". Haskell does not disclose, teach or suggest at least this feature of independent claim 23, as amended.

In view of the above, Applicants respectfully submit that each of amended independent claims 8 and 23 meets the novelty requirements of 35 USC §102(b) and request that the rejection under this section based on Haskell be withdrawn.

Applicants respectfully submit that the above-mentioned distinctions of amended independent claims 8 and 23 are significant and would not have been obvious at the time the invention was made to a person having ordinary skill in the art, in view of any of the references on record or any combination thereof. Therefore, while the Examiner has not made such a rejection, Applicants respectfully submit that each of amended independent claims 8 and 23 meets the patentability requirements of 35 USC §103.

Claims 9-10 are dependent from amended independent claim 8, and include all the features of amended independent claim 8 as well as additional distinguishing features. Therefore, it is respectfully submitted that the novelty and patentability of claims 9-10 follow directly from the novelty and patentability of amended independent claim 8.

Claims 24-27 are dependent from amended independent claim 23, and include all the features of amended independent claim 23 as well as additional distinguishing features. Therefore, it is respectfully submitted that the novelty and patentability of claims 24-27 follow directly from the novelty and patentability of amended independent claim 23.

In view of the above, Applicants respectfully request that the rejection of claims 8-10 and 23-27 under 35 USC §102(b) based on Haskell be withdrawn.

#### **Conclusion**

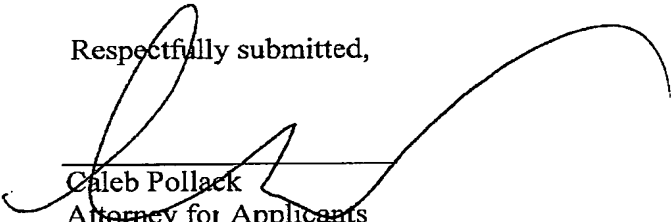
In view of the foregoing amendment and remarks, and for at least the reasons discussed above, Applicants respectfully submit that claims 8-11 and 24-27 are deemed to be allowable. Their favorable reconsideration and allowance are respectfully requested.

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Should the Examiner have any question or comment as to the form, content or entry of this paper, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

No fees are believed to be due in connection with this paper. However, if any fees are due, please charge any such fees to deposit account No. 50-3355

Respectfully submitted,



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